

AF/EP
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Customized Form PTO/SB/31 (12-04)

**NOTICE OF APPEAL
FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application #	10/049,677
Confirmation #	7732
Filing Date	05/22/2002
First Inventor	Newman
Art Unit	3651
Examiner	J. Dillon, Jr.
Docket #	P07534US00/RFH

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)):

☒ Applicant claims small entity status

<input type="checkbox"/> Large Entity	\$ 500
<input checked="" type="checkbox"/> Small Entity	\$ 250

☐ A CREDIT CARD PAYMENT FORM (Form PTO-2038) is enclosed for:

**\$ 0 - fee
previously paid
on 12/10/2004.
See
accompanying
letter**

(covering: ☐ the fee indicated above ☐ an extension of time fee)

☐ The Commissioner is hereby authorized to charge any fee or additional fees due under 37 CFR 1.13 and 1.17 in connection herewith, or to credit any overpayment, to Deposit Account No. .

☐ In the event that a petition for an extension of time is required to be submitted herewith and that a separate petition is not submitted herewith, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely. Any fee due in connection with this petition is authorized above.

I am the Attorney of Record.

Date: May 31, 2005

By: 
Name: Ross F. Hunt, Jr.
Registration No.: 24,082

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MAY 31 2005
PATENT & TRADEMARK OFFICE

LETTER REGARDING NOTICE OF APPEAL	Application #	10/049,677
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

A Notice of Appeal has already been filed on December 10, 2004, and the appeal fee was paid. No fee is attached and none should be charged to our Deposit Account. The Examiner sent out a further Office Action after the first Notice of appeal was filed, changing the grounds for rejection. Thus, the previous appeal could not be pursued and accordingly, the fee paid previously should be applied to the current Notice of Appeal.

Respectfully submitted,


By: Ross F. Hunt, Jr.
Registration No.: 24,082

Date: May 31, 2005

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